

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND/ODESSA DIVISION**

JOSEPH YOUNG,

*Plaintiffs*

**V.**

**LG CHEM LTD,**

*Defendant and Third-Party  
Plaintiff,*

**V.**

**TALL CITY VAPOR WORKS, LLC  
and D&A DISTRIBUTION, LLC  
d/b/a STRICTLY E-CIG,**

*Third-Party Defendants.*

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MO:21-CV-00227-DC

## ORDER

Before the Court is the report and recommendation<sup>1</sup> from United States Magistrate Judge Ronald C. Griffin concerning Defendant and Third-Party Plaintiff LG Chem, LTD's Motion to Dismiss D&A Distribution, LLC d/b/a Strictly E-Cig's counter claim for Failure to State a claim.<sup>2</sup> Pursuant to 28 U.S.C. § 636(b) and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Judge Griffin issued his report and recommendation on September 8, 2023.<sup>3</sup> No party has filed objections to the R&R as of this date.

Pursuant to 28 U.S.C. § 636(b), a party may serve and file specific, written objections to a magistrate judge's proposed findings and recommendations within fourteen days after

<sup>1</sup> ECF No. 69.

<sup>2</sup> ECF No. 56.

<sup>3</sup> ECF No. 69

being served with a copy of the report and recommendation and, in doing so, secure de novo review by the district court. When no objections are timely filed, a district court can review the magistrate's report and recommendation for clear error.<sup>4</sup>

Because no party has filed timely objections, the Court reviews the report and recommendation for clear error. Having done so and finding no clear error, the Court accepts and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the Report and Recommendation of the United States Magistrate Judge,<sup>5</sup> is **ADOPTED**. LG Chem's motion to dismiss,<sup>6</sup> is **GRANTED**. D&A Distribution's counterclaims for common law indemnification and statutory indemnification are **DISMISSED WITHOUT PREJUDICE**.

It is so **ORDERED**.

SIGNED this 29th day of September, 2023.

  
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DAVID COUNTS  
UNITED STATES DISTRICT JUDGE

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<sup>4</sup> See Fed. R. Civ. P. 72 advisory committee's note ("When no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.").

<sup>5</sup> ECF No. 69.

<sup>6</sup> ECF No. 56.